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BREWERS' ARGUMENT

BEFORE THE

JOINT SPECIAL COMMITTEE

ON THE

LIQUOR QUESTION,

FEBRUARY 14, 1878.

7583.174

ARGUMENT OF THE BREWERS

FOR

LEGISLATIVE DISCRIMINATION

IN FAVOR OF

ALE AND LAGER-BEER,

DELIVERED BEFORE THE

JOINT SPECIAL COMMITTEE OF THE MASSACHUSETTS LEGISLATURE ON THE LIQUOR QUESTION, FEBRUARY 14, 1878.

BY HENRY H. RUETER.

BOSTON:
PRINTED AT THE JOB ROOM OF THE BOSTON POST.
1878.

Miss Lillian Freeman Clarke,
Oct. 14, 1897.

The following pages are respectfully submitted to the public, with the earnest request that they may be carefully read and candidly considered.

HENRY H. RUETER.

Boston, February 18, 1878.

ARGUMENT.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE:

When brewers appear before you to plead in favor of malt liquors, it would be useless to claim impartiality. We are fully aware of this fact, and of the prejudice we are likely to encounter on that score. To meet this disadvantage as far as practicable, I beg to call your attention, in the outset, to a circumstance which may tend to lessen, if not to remove, such prejudice. In referring to this hearing, a Boston paper announced, a few days since, that brewers do not propose to fight the battle of the distillers, and that King Gambrinus goes into the fight unallied with King Alcohol. If this defines the brewers' position here to-day, it entitles them also to credit for moral courage and adherence to principle, when it is considered that brewers look for the sale of by far the greater portion of their product to those who are at the same time interested in the sale of distilled spirits, and who may look upon this hearing, as the announcement implies, as an aggressive move on the part of the brewers against this interest. We are, however, so thoroughly convinced that beer and ale should not be classified with distilled spirits, and should not be subjected to the same stringent restrictions, that reasons of policy have not made us hesitate to appear before you, to plead for legislative discrimination in their favor. The fact, that the same law ought not to govern the sale of both classes of drink, must be so patent to all who are familiar with their nature and workings, that even

those who may consider themselves injured by our plea will admit its justness, and candid minds will look upon this effort as one calculated to put the legal status of alcoholic drink generally, in this State, upon an equitable, practical, and permanent basis.

If the brewers ask your Committee, Mr. Chairman, and through you the members of the General Court, with whom the disposition of this question rests, to give them credit for conscientious action, they, on the other hand, fully admit the sincerity in conviction and action of those who differ with them in their views about the measures best calculated to ensure the success of the cause to which they give heart and hand. This difference of opinion does not concern the evils of drunkenness, the mischief, the poverty and the crime thereby engendered. It is a difference as to the means to be employed to lessen these deplorable results of intoxication, and so reach results in which we all are interested. It is not a moral but an intellectual difference.

In a hearing similar to the present, held five years ago, Hon. George S. Hilliard said, "I need not say to you, gentlemen, that legislation and government are experimental sciences. It is not an infallible rule in legislation that two and two make four. In that great department of legislation and government which includes the laying of duties, either foreign or domestic, it by no means happens that you always increase the receipts of the State in proportion to the burden you lay upon the product. You know if you lay a duty upon an article, when the duty becomes too high you necessitate smuggling, and it is the part of the wise statesman to draw the line at such a point as shall not make it for the interest of the smuggler to smuggle. I lay down as moral truth that the intensity with which a man desires to accomplish a given object, in legislation or in life generally, is no measure of the wisdom of the expedients he

may propose, to accomplish that end. So in legislation, it is not the man who feels most keenly the evil, who is the wisest to apply the remedies, but it is the man of old legislative experience."

If, then, Mr. Chairman, experience is the safest guide, it behooves us to inquire for the purposes of this hearing, what it teaches with regard to the nature, the influence, and the mission of fermented malt liquors in the social problem, concerning the use, or rather the suppression of the abuse, of stimulants.

The appetite for stimulants is so common, so well-nigh universal, that it must be recognized as a desire, a craving, which is natural, which is human. It is estimated that maté is used by ten millions of people; cocoa by as many more; chicory by forty millions; the chocolate bean by fifty millions; coffee and betel, each by a hundred millions; opium by four hundred millions; tea by five hundred millions; and tobacco by eight hundred millions. The number of people using some kind of alcoholic stimulant is probably greater than any of these. A practice so general, commencing in remote antiquity and common to both savage and civilized peoples, necessarily arises from a natural craving of man. It is absolutely inexplicable on any other hypothesis. Whatever it may be that drives man to indulgence in stimulants — to render more easy the nourishing of the nervous system; to counteract undue taxation of the system by mental or physical action; the desire for exhilaration, simply for its enjoyment, or for the purpose of easing care, lessening the weight of poverty, or the burden of sorrow and disappointment,— the fact is before us that man everywhere, from the equator to the poles, will seek and use something or other, partly stimulant, partly narcotic, which meets, in its effects on the nervous system, this universal craving. The sneers of the cynic, the remonstrance of the philanthropist,

the behests of law-givers — all have failed to suppress this indulgence. It is here, then, where the wise statesman must draw the line; he who attempts to abolish the gratification of this instinct is certain to fail; the practical man, who endeavors to prevent its abuse by seeking to guide it into the safest channels, may succeed.

Starting from these premises, it will be my aim to present such facts and considerations as will tend to prove, that in the popular consumption of ale and beer is found one of the best safeguards in controlling the desire for stimulants, and that they, above all others, are best adapted to satisfy the appetite for alcholic stimulants with least danger of abuse.

In order to point out the difference between fermented and distilled liquors, I will sketch the process of manufacture of ale and beer in its salient points. The process of brewing is simple enough, although it requires skill and experience to carry it out successfully. Brewing and baking are similar in some respects. You know when a baker intends to make a batch of bread, he stirs a ferment which, after some hours, is thickened with flour, and by the addition of water is made into what is technically called the "sponge." This is kept in a warm place, when fermentation sets in. The result of this fermentation is carbonic acid, whereby a portion of the starch of the flour is converted into sugar and then into alcohol. It is then baked; and a well-baked loaf is composed of an infinite number of cellules, filled with carbonic acid gas. It is this which gives the light, elastic, porous constitution of bread. It has been supposed that by the heat of baking the alcohol formed was wholly expelled, but recent experiments indicate that a perceptible amount of alcohol, amounting to one-third of one per cent in weight, still remains in yeast-raised bread after baking; it is much less in stale bread.

Barley-malt, hops and water are the simple materials used in

the production of beer or ale. Malting barley means to charge the barley with water, allow it to germinate, and to arrest this germination at the proper point by heat. By this process the barley undergoes a chemical change, and contains, as malt, starch, dextrine, sugar, gluten and distase, a vegetable principle generated during germination. Distase has the property, by its presence, to change the farinaceous portions of the grain to dextrine and sugar, and this one fact forms the basis on which the process of brewing malt liquors rests. The malt is crushed and placed into the mash-tub with hot water, and under the influence of heat the conversion of the remaining starch into dextrine, the partial conversion of dextrine into sugar, and the solution of both are effected. The infusion thus made is technically known as "wort."

This "wort" being drawn off into kettle or tub, the next step is the boiling. The same heat coagulates the albumen and extracts the aroma and bitter principle of the hop which is added at this stage. The boiled and hopped wort is now cooled as quickly as possible to a temperature most favorable to fermentation, and passed into the fermenting tuns, where yeast, from former brewings, and in due proportion, is added. Fermentation begins, the sugar is decomposed, and the elements are recombined in two other substances, alcohol and carbonic acid gas. But only about one-half the malt extract is thus changed into alcohol; the remaining portion being purposely left undecomposed, gives to the beer or ale its nourishing properties, while it also serves as a foundation for additional development of carbonic acid gas, to which malt beverages owe their refreshing qualities.

Here the brewer and the distiller differ widely in their objects; for while the former, as we have seen, endeavors to retain a large portion of dextrine and sugar in his product, the latter seeks to convert every available atom of sugar into

alcohol, afterwards to be separated from the fermented mass by distillation. If the original gravity of the wort is twenty pounds, that is, if a barrel of thirty-one gallons weighs twenty pounds more than the same quantity of water weighs, it contains, in solution, twenty pounds of malt extract. If attenuated by fermentation to one-half of this original gravity, ten pounds of the sugar would have been converted into alcohol, and as two parts of sugar form one part of alcohol, the finished ale or beer would, in round numbers, contain ten pounds of malt extract, composed mainly of dextrine and sugar, and less than one-half that quantity of alcohol, besides a small percentage of the extract of the hop. The balance is water. Such a drink, as will readily be seen, cannot be very intoxicating. But there is another consideration in this connection. The small percentage of alcohol, the product of simple fermentation without distillation, being chemically combined in ale and beer with the malt extract, has not the same effect on the human system as the like quantity of free alcohol would have. Distilled liquors contain water and alcohol only, as the small amount of coloring matter is of no account. A mixture of 95 per cent of water and 5 per cent of distilled alcohol, taken habitually as a beverage, acts differently, physiologically, than does the same percentage of alcohol, created by fermentation only, and chemically combined with the alimentary ingredients of beer and ale, which are taken into the system at the same time. It should also be mentioned, as ale and beer are water to the extent of nine-tenths of their bulk, that from this water all organic impurities are eliminated by the brewing process; and that those beverages, therefore, become under certain conditions of frequent occurrence, a safer medium of imparting to the system the needed amount of moisture, than water in its natural state would be. The American people are more given to the habit of partaking of ice-cold drinks than any other.

It is an open question whether the ever ready ice-water supply is not productive of more harm than could ever be laid to the charge of beer and ale. In occupations necessitating bodily exertion under high temperature, as for instance, in sugar making, a supply of mild ale or beer for the workmen instead of cold water has been found beneficial. The abundant presence of carbonic acid gas in fermented malt drinks, so refreshing and grateful when the system is fatigued, and so valuable on account of its thirst-quenching property, in the summer days, must also be kept in sight.

The nourishing qualities of beer and ale have often been called into question, as not of any importance in considering these beverages in their significance as an article of diet. I readily admit, Mr. Chairman, when a man is hungry he had better go to the baker or butcher than to the brewer; but man is thirsty as well as hungry, and in that state the brewer is of more use to him than either the butcher or baker. Some one may here say, "Oh, he can drink water, after having eaten, it is wholesome and costs nothing." It is true; and it is equally true that even civilized man could subsist on the simplest and cheapest food — peas and beans could form the major part of this diet, they are very nutritious — but the fact is, man will not do so if he can procure that which will afford gratification while it satisfies the cravings of the stomach. Eating and drinking is looked upon by civilized man, not as a duty only, but as a pleasure. The desire for enjoyment and gratification, the desire to better our earthly lot, and make existence here as pleasant as possible, lies at the very foundation of the civilization and progress of humanity; without it man would be likely to-day to live in caves, and wear the primitive skin or the scanty fig leaves. If necessity is the mother of invention, the maxim finds wider application by substituting for necessity the desire of betterment.

*

But the question of the dietetical value of malt liquors has a purely practical side, and to bring it into relief I will compare ale and beer with milk. Good cow's milk contains from 13 to 15 per cent of solid substances; hence 100 gallons will, in the average, yield 14 gallons of nutritious matter. Now the Inspector and Assayer of the Commonwealth of Massachusetts states, in his second annual report, that he found the nine samples of beer and ale analyzed by him, to average 4.06 in alcohol, and 6.09 in malt extract. There are produced in this country yearly about 280,000,000 gallons of beer and ale, and these would represent in nutritious matter — at the rate of 14 to 6 — annually 120,000,000 gallons of milk. I know very well that against this showing, the "wasting," as it is called, of some 25,000,000 bushels of barley will be raised as a serious objection. It is quite safe to assume, however, that this barley would not have been raised if it had not been wanted for brewing purposes; and as a recent report of the Commissioner of Agriculture shows that barley, with an average yield of 20.6 bushels per acre, at an average valuation of 92.1 cents per bushel, yielded $18.96 per acre, against $13.40 with Indian corn, $11.66 with wheat, $11.52 with rye, $11.47 with oats — barley yielding next to potatoes, and tobacco the highest value per acre — the 32,552,500 bushels raised on 1,580,626 acres in 1874, must have proved a valuable crop to the country. According to the money value of the various crops, the annual produce of barley is only second to Indian corn, hay, wheat, cotton, oats, and potatoes; being, therefore, the seventh agricultural staple article of the country, and nearly seven millions of dollars higher in value than that of tobacco.

While I am speaking of the relation of the brewing trade to the agricultural interests of the country, I must refer to hop-raising in this connection. With the increase of the production of malt liquors in this country, from 2,000,000 barrels in

1864 to 9,000,000 barrels in 1877, the demand for hops necessarily grew in proportion, and hop-culture has, in consequence, made immense strides within a decade of years. The production is not only fully equal to the demand for domestic consumption — some 25,000,000 pounds per annum — but of late years some 50,000 bales per year have been exported to Europe. This exportation will assume even larger figures for the current year, and is sure to be a permanent feature of growing importance in our international commerce and the agricultural resources of this country.

There is one other consideration to which I desire to call the attention of this Committee, while speaking of agricultural interests, and in reply to the charge of wastage. It concerns the value, for feeding purposes, of the residue of the mash tub — the brewer's "grains." As seen in the sketch of the process of manufacture, the barley-malt is simply subjected, after crushing, to an infusion of hot water. After this water, with its soluble contents, is drawn off, the malt is offered for sale as feed. You observe this is wholly different from distillers' "slops," the residue of the mash, after fermentation and distillation. These brewers' "grains" contain albumen to the amount of at least 5½ per cent, to say nothing of fibrine and remaining starch, which greatly increase their feed value. Air-dried meadow hay contains 7 per cent of albumen; 100 pounds of "grains" are therefore equal to 64 pounds of hay in their value as feed, and the "grains" resulting from the 25,000,000 bushels of malt annually used, therefore, represent at an assumed weight of 1,260,000,000 pounds, 403,200 tons of hay in feeding value.

The malt annually consumed also yields 625,000 bushels of "sprouts," being the rootlets thrown out during germination, and afterwards separated from the grain. Sprouts contain from twenty-four to thirty per cent of albumen, and one hun-

dred bushels of sprouts (1,200 pounds) are, therefore, as feed, equal to 4,628 pounds of hay.

It is evident, Mr. Chairman, that brewers do not "waste" grain to the extent, perhaps, popularly supposed, and the real loss of nutritious matter must be mainly sought in the conversion of a portion of the malt extract into alcohol; and then, as you know, it is a mooted question whether or not alcohol is food. As the process which induces this conversion largely enhances the market value of the product over its basis, and as he who adds value to any material through labor or manufacture adds to the common wealth, and is therefore considered a useful member of society from the standpoint of political economy, it is difficult to see why, in this country, the brewing trade should be denied the position of equality with other branches of industry, which is freely accorded it by other nations. When, a few years ago, the beer tax was under debate in the German Parliament, the representatives of the people refused to sanction any change in the existing low rate — less than one-third as high as ours — in consideration of the expressed fact, that, by an increase of the tax, an article of diet and nourishment, most valuable to the poorer classes, and for which no other can be substituted, would thereby advance in cost, and that a branch of industry would be imperilled, which at present gives profitable employment, directly and indirectly, to thousands of hands, and whose prosperity is of vital importance to the agricultural interests of the country.

These ideas, bearing on the agricultural and political aspects of the question, were suggested while speaking of the alcoholic and nutritious constituents of beer and ale. I will revert to these latter once more, in order to correct an error which seems to exist in many minds. I refer to the difference between lager beer and ale, and the popular belief that the latter is necessarily or generally the stronger drink of the two. If

"stronger" means containing more alcohol, the supposition is erroneous; if it means richer in malt extract, it is generally true. I am aware that the last report of the State Inspector of Liquors does not quite bear me out in this second point, in the two analyses of ale given; but the samples there mentioned do not represent the ales here consumed in their nutritious value. Some fatality attended the procurement of the two ale samples, as one is given under the name of an ale brewery which does not exist, and the other must have been delivered under a name wrongfully assumed; for an analysis by the State Inspector and Assayer of a true sample of the ale of the brewery mentioned in the report, shows 3.78 parts alcohol, 9.12 parts malt extract, and 87.12 parts water in one hundred parts, proving the ale richer in nutritious matter than any lager beer examined. This result is only in accordance with the difference in the mode of manufacture. The steps are mainly the same till the stage of fermentation is reached. Ale is fermented rapidly, comparatively speaking, induced by a higher temperature, and the yeast rises to the surface of the liquid. Lager beer, under a lower temperature, ferments slowly, and the resulting yeast sinks to the bottom of the tun. Supposing the original gravity of the two worts to have been the same, the protracted and searching fermentation of the lager beer wort is likely to facilitate the conversion of sugar into alcohol as much as, or more than, the speedier ale fermentation; and adding to this the after-attenuation in the store casks, the result is readily explained. Any favoritism of one beverage over the other, either in framing or executing laws concerning their sale, can only arise from insufficient knowledge as to their nature.

Next to the small percentage of the alcoholic contents and the nutritious value of ale and beer, the purity of these beverages, as brewed in this State and county, deserves considera-

tion before your Committee. The testimony is all on one side, and in favor of the brewer. The report of the State Inspector and Assayer of Liquors says: "The result showed that all of the samples were absolutely free from any other bitter except that of hops and malt. All the samples were found to be pure, and as free from injurious substances as alcohol in any form can ever be." The State Inspector and Assayer of Liquors quotes, among others, Prof. A. B. Prescott, from his work on the Chemical Examination of Alcoholic Liquors, 1875; Prof. C. F. Chandler, of the New York Board of Health; Prof. J. M. Merrick, from the Second Annual Report of the Board of Health of the City of Boston; Prof. William Ripley Nichols, of the Massachusetts Institute of Technology, from a Report made to the Board of Health of the City of Boston, 1875; all in order to show the improbability and the entire want of evidence of the adulteration of malt liquors. The report adds that the results of a number of analyses of beer from different brewers, made during the year, fully agree with the conclusions of the chemists named above. The State Assayer of Massachusetts says: "Ale and beer are never found adulterated with deleterious substances in this State, and are the only liquors entirely exempt from admixture." At the Seventeenth Annual Convention of the United States Brewers' Association, held last June, at Milwaukee, the following resolution was unanimously adopted: "It is hereby resolved, to request the President and Secretary of the United States Brewers' Association to issue a public declaration, setting forth that this Association countenances the use of legitimate materials *only* in the brewing of malt liquors, and denounces as inadmissible and reprehensible, the substitution of any others; avowing further, that if any proof is brought against any member of this Association, of adding noxious drugs of any kind to his brewings, such culpable practice shall be deemed sufficient cause for the ex-

pulsion of such member." Hops, malt and water are the cheapest things in the end the brewers can use; and the latter are not so imprudent as to risk the reputation of their product and the success of their costly establishments, by using deleterious substances, which fact could not be kept from the knowledge of their help, if they did not refrain from doing so from better motives.

Prof. Moleschott, in his chemistry of food, thus speaks of beer: "The weak alcoholic solution of beer contains nearly the same proportion of albumen as found in fruits, some sugar and gum, and in addition to these a peculiar constituent of the hops, soluble in water, which, from its bitter taste, is called the bitter principle of the hop. Fermented liquors taken in moderation increase the secretion of the digestive juices, and promote the solution of the food. A good beer partakes of all the advantages of the alcoholic beverages, and at the same time usefully quenches thirst by its more abundant amount of water. Hence this beverage is particularly adapted to satisfy the frequent thirst caused by bodily exertion; it is therefore a laudable custom to refresh artisans, who have to work hard, with a glass of ale. This beverage, by its proportionate amount of albumen, which is equal to that of fruit, supplies even a direct substitute for food." Richmond Sheen says: "That beer is nutritive, and when used in moderation, salubrious, can scarcely be doubted. It proves a refreshing drink, and an agreeable and valuable stimulus and support to those who have to undergo much bodily fatigue. The laborer who has repeatedly experienced its invigorating property will by no means admit the truth of the assertion that a half-pound loaf and a pint of water yield more nourishment than a pint of beer." It may not be generally known that a great portion of ale and beer sold here is not bought by the glass, to be consumed on the premises, but is sold by the measure, and carried

home by the laboring classes, to be drank with their meals, instead of tea and coffee.

It has been often urged, in the social aspect of the question, that the consumption of ale and beer is subversive of public morals, mainly because their consumption would lead the individual to the drinking of ardent spirits. Experience does not prove this, either in the individual or in the people, and it is safe to say that this country is the only one where the manufacture, sale and consumption of malt liquors is yet looked upon as inimical to public welfare and sobriety. Other countries foster the consumption of these mild beverages. Denmark and Sweden exempt malt liquors from all taxation in order to induce their substitution for distilled drink. Russia, Sweden, and Norway average less than 2¼ gallons of ale and beer per head, and the consumption of strong drink is large and drunkenness prevails, while Germany produces 32½ gallons of beer per head of population, and intoxication is rare, so rare, indeed, that the editor of the *Chicago Tribune*, writing from Germany, could say: "Drunkenness is so rare and infrequent that it may be said not to exist. I have travelled thousands of miles through Germany, in various directions, visiting nearly all the chief cities, and have made diligent inquiry of American consuls and other well-informed persons, and received but one answer everywhere; viz., no drunkenness among the Germans; public sentiment would not tolerate it; the habits of the country are all against it." In the United States the annual production of malt liquors averages 8 gallons per head; in Bavaria, it is 61½ gallons, and yet Dr. H. P. Bowditch, who testified before the Liquor Law Committee, in 1873, stated that in Munich he saw nothing during a stay of some weeks to show that drunkenness was at all common. In the course of five years but one patient suffering with delirium tremens was received in the City Hospital there. Dr. John P. Reynolds of Boston

testified at the same hearing: "Lived seven months of last year in Germany, in Munich, and some time in Vienna. I have no question, so far as my observation extends, that the habit of drinking malt liquors and light wines, for that is the habit of all classes, men, women and children, is a great gain to the matter of temperance, as compared with the habit of drinking whiskey, gin and rum. In Berlin, as observed during a residence of several months, an immense amount of beer is drank; and yet a person can see about as much disturbance and intoxication in the beer gardens there as we should see in an ice-cream saloon in Boston. Never saw a glass of distilled spirits sold there, although it might have been. I think that the use of malt liquors diminishes the desire for stronger stimulants. If you can accustom persons to take malt liquors regularly and moderately, it would diminish the number who resort to strong drink." Dr. Charles E. Buckingham stated in reply to the question, "Does the use of malt liquors increase the desire for distilled drink?" "I should say just the opposite; cannot state the reason, but know the fact. Persons who have been in the habit of using distilled spirits, whom I have been able to get off on malt liquors, have done well, while a great many who have not have taken to opium." Dr. Reynolds also stated: "I want to say, more strongly than the gentleman who has preceded me, that if the sale of ale, beer and porter could be prevented, a very great wrong would be done to a large number of persons who live here. I mean by that, persons not merely sick, but who are debilitated, over-worked, and who frequently go on running down in health without asking medical aid. I do not doubt but that there are many women who, if they would take out-door exercise, would be greatly benefited by the use of malt liquors. There are plenty of cases of children, when every variety of medical tonic fails and every change of diet is useless, when a resort to malt liquors secures

a recovery of health. I think the prohibiting of the sale of malt liquors would be the sacrifice of something which is of great importance to the health of a considerable minority of the community. I say this after full inquisition of my own conscience. It would be a great gain to the community, I do not hesitate to say, if you could stop all men, women and children from using alcoholic liquors; it would be a great blessing, inasmuch as it would do away with much crime. But we have no right to deprive those who use it temperately and judiciously because of those who abuse it. Because we wish to get rid of all sin, is it best to do it by decapitating all the sinners?"

In other countries these considerations prevail. The English revenue laws are designed to discourage the sale of distilled liquors, and to encourage, instead of that, the sale of beer. The taxation upon spirituous liquors is very high, and on beer it is comparatively low. In Germany the sale of beer is as free as that of coffee, tea, and mineral waters. The law adopted for the German States, in 1869, provides that an application for the privilege of selling beer at retail or by the glass (the wholesale trade in distilled as well as fermented liquors is not subject to legal restrictions concerning sales) *must* be granted if the party so applying has not previously been found guilty of any acts warranting the presumption, on the part of the authorities, that such privilege may be abused by such party, by permitting or encouraging drunkenness, gambling and licentiousness, or concealing or abetting crime. Regarding the retail sale, by measure or glass, of distilled liquors, the German law demands, in addition to a previous good record, that the applicant must satisfy the authorities, through the testimony of other parties, that public convenience or need require the opening of the place. Another requirement of the German law is that the applicant have premises suitable for such sale, and open to the public eye. Much has been said by the advo-

cates of prohibition or stringent restrictions of the Gothenburg system, which seeks to diminish the traffic in intoxicating liquors by having the city authorities control the business, paying a small commission on sales to the vender, and diverting the profits to the city treasury, thus removing, in a great measure, the incentive of personal gain. But it has never been stated in public by these advocates that the commission system applies to the sale of distilled liquors only, and that the venders are stimulated to encourage the sale of fermented beverages, by being allowed the entire profit on their sale. Will it not do to accept lessons from other nations, equally advanced in political economy and social science, and equally interested in the advancement and elevation of mankind?

There is one feature in prohibitory laws which alike forbid the sale of both fermented and distilled liquors, or in license laws, which impose the same stringent restrictions on the sale of both classes of drink, to which I desire to direct your earnest attention. Distilled liquors, concentrated in bulk and of keeping quality, with the greatest ease surreptitiously conveyed and safely hidden, find their way through illegal channels everywhere, where demand for them exists. Ale and beer, too bulky and too perishable to be handled with like facility and safety, are driven, not merely from sight, but to a great extent out of consumption. Of distilled liquors it may safely be said that their sale is only stopped by such laws in places which, from their very nature, are least objectionable, and would do the least harm if permitted to be kept open. Prohibition affects the quality of distilled liquors much more than the quantity; and this may account for the fact that many dealers in distilled liquors show so much indifference when their business is "threatened" by the re-enactment of a prohibitory liquor law. It is the brewer who bears nearly the entire burden of such laws. If it is argued, as it often has been, that the free

sale of ale and beer will be made a cover for the sale of distilled drinks, and is therefore impolitic, even if its harmlessness or its beneficial results are admitted, it may be asked: Shall a wrong be done in order to secure a possible good? Does that logic hold good in legislating upon any other matter? Shall justice not be done to the brewer or the seller of beer, because the vender of distilled liquors may do wrong?

The archives of this State contain a public document which treats of the question of use and abuse of intoxicating drinks throughout the globe so conscientiously and practically, that it demands the earnest attention of all having the cause of national temperance at heart, and above all others of those upon whom rests the grave responsibility of framing the laws relating to the manufacture, sale and consumption of alcoholic stimulants. I refer to the treatise on "Intemperance, as seen in the light of Cosmic Law," contributed by Dr. Henry I. Bowditch of Boston, to the Annual Report of the State Board of Health of Massachusetts for 1872. Dr. Bowditch entered into correspondence with American ambassadors and consuls and other able correspondents, stationed in all the various important countries of the world, and virtually embracing the civilized parts of the globe. Two ideas were mainly presented, namely:—

"First.— To learn the nature and character of the stimulants used by the inhabitants of the respective countries, and the influence of such indulgence on the health and prosperity of the people.

"Second.— The relative amount of intoxication in said countries, compared to that known by such correspondents to exist in the United States."

Replies came from forty-nine different places; and among the correspondents are many of our most distinguished citizens, some of whom are well known for their eminent intellectual

and moral qualities. The deductions made by Dr. Bowditch from a careful analysis of this correspondence are :—

I.— Stimulants are used everywhere, and at times abused, by savage and by civilized men. Consequently intoxication occurs all over the globe.

II.— This love of stimulants is one of the strongest of human instincts. It cannot be annihilated, but may be regulated by reason, by conscience, by education, or by law when it encroaches on the rights of others.

III.— Climatic law governs it; the tendency to indulge to intoxication being not only greater as we go from the heat of the equator toward the north, but the character of that intoxication becomes more violent.

IV.— Races are modified, physically and morally, by the kind of liquor they use.

V.— Beer, native light grape wines, and ardent spirits should not be classed together, for they produce very different effects on the individual and upon the race.

VI.— Light German beer and ale can be used even freely without any very apparent injury to the individual, or without causing intoxication. They contain very small percentages of alcohol.

VII.— By classifying all liquors as equally injurious, and by endeavoring to further that idea in the community, we are doing a real injury to the country, by preventing a freer use of a mild lager beer, or of native grape wine, instead of the ardent spirits to which our people are now so addicted.

VIII.— Instead of refusing the German lager beer, we should seek to have it introduced into the present "grog shops," and thus substitute a comparatively innoxious article for those potent liquors, which now bring disaster and death into so many families.

"I fully agree," Dr. Bowditch says, "with all that has been

said of the value of light wines as an aid to temperance; but I believe that Germans are destined to be really the greatest benefactors of this country, by bringing to us, if we choose to accept the boon, their beer. Lager beer contains less alcohol than any of the native grape wines. This fact, with the other fact that the Germans have not the pernicious habits of our people, would, if we chose to adopt their customs, tend to diminish intemperance in this country. I believe that, even when used intemperately, light beer, ale, lager beer, wines like claret, etc., do vastly less harm than the stronger ardent spirits. In truth, the former cannot produce intoxication except after the swallowing of a very large quantity — so large that before intoxication is produced the disposition to drink is satiated."

Cannot total abstinence advocates, therefore, as a *temperance measure* permit the use of ale and beer? Could not a reasonably low percentage of alcohol be adopted as a limit for these beverages, at or below which they shall not be considered intoxicating liquors?

The brewing trade of this State, Mr. Chairman, is one of considerable magnitude. The amount invested in it reaches, probably, four millions of dollars. It contributes yearly half a million dollars to the income of the country and pays state and city taxes to a large amount. It distributes, annually, millions of dollars for material and labor, and many mechanical trades count the brewers among their best customers. Now, if the moral exigencies of society do not demand it, should this trade be disturbed and hindered in the enjoyment of rights and privileges accorded by law to other branches of industry, or should it be deprived of even the protection of the law? Should a large and important industrial interest rest on a legal basis so unstable that investments made one year under the sanction of the law of the State may, the very next year, be imperilled by an arbitrary change of law?

We respectfully pray that this Committee may take the statements thus presented into due consideration, and that it may recommend such legislation in regard to the manufacture and sale of fermented malt liquors as may be in accord with deductions to be made from facts and experience.